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International Court of Justice

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Official transcript of the International Military Tribunal, in the matter of: The United States of America, The French Republic, The United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering, et al, Defendants, sitting at Nurnberg, Germany, on 23 November, 1945, 1000-1230, Lord Justice Lawrence, presiding.

DR. OTTO NELTE (Defense counsel): Mr. President, we of the defense, at yesterday's session heard the documents presented by the prosecution. I should like to raise objection. The main American Prosecutor presented evidence, which had as their object the main organization of the German State and the Nazi Party.

In my opinion, this presentation was false in the following points: First, a Reich Defense Council did not exist at any time. The Reich Defense Law, which foresaw a Reich Defense Council, in the event of war, was never put into effect. There was never a session. The Reich Defense Council never held a meeting. The Defendant Keitel was never a member of any such Reich Defense Council. Secondly, the Secret Cabinet Council, according to the Law of the 4th of February, 1938, never came into existence. It was never constituted. It never held a session. Thirdly, the Defendant Keitel was never Reich Minister; just like the High Commanders, he had the rank of a Reich Minister. He was also not Reich Minister without portfolio. He never participated in any Cabinet conferences.

I should like to ask the opinion of the Tribunal whether this could be the object of examination at this time during the trial, or whether it should be postponed until a later time.

THE PRESIDENT: The Tribunal ruled that the documents are admissable, but the Defendants can prove at a later stage any matters, which are relevant to the documents. It is not necessary for the Defendants to make objections at this stage. At a later stage they can prove any matters, which are relevant to the weight of the documents.

DR. RUDOLF DIX (Defense Counsel) May I ask the high Tribunal a question? May I address a question to the high Court? We have partially now seen and heard the documents that were presented to the

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Court yesterday. On this occasion we determined that such documents were presented by the Chief American Prosecutor as literally correct. I would like to know whether documents are to become the basis for decision on the part of the Court, even though the Chief American Prosecutor, who presented them, did so in a partial way. I would like to ask the high Court, whether the entire content of all the documents, that were presented to the Court yesterday, will be presented in the future and whether they are to be interpreted as a basis for the judgement of the Court even though they have been presented in part.

THE PRESIDENT: Every document, when it is put in, becomes a part of the record and is in evidence before the Tribunal, but it is open to the Defendants to criticize and comment upon any part of the document when their case is presented.

DR. RUDOIF DIX: Thank you. Therewith, the question is clarified.

THE PRESIDENT: There are three announcements which I have to make on behalf of the Tribunal; and the first is this: That we propose that the Tribunal shall not sit on Saturday morning in this week, in order that Defendants' counsel may have more time for the consideration of the documents and arguments, which have been made up to that time. That is the first matter.

The second matter is that the Tribunal desires that all motions and applications shall, as far as practicable, be made in writing, both by the Prosecution and by the Defense. There are occasions, of course, such as this morning when motions and applications, for the purpose of explanation, are more conveniently made orally, but so far as practicable, it is the desire of the Tribunal that they shall be made in writing, both by the prosecution and by the Defense.

The other matter is an observation, which the Tribunal wishes me to make to the Prosecution, and to suggest to them that it would be more convenient to the Tribunal and, possibly also to the Defense, that briefs and volumes of documents should be presented to the Tribunal before Counsel speaking begins that branch of the case, so that the brief and volume of documents should be before the Tribunal while Counsel is

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addressing the Tribunal upon that branch of the case; and also that it would be convenient to the Tribunal, if it is convenient to Counsel for the Prosecution, that he should give a short explanation -- not a prolonged explanation -- of the documents, which he is presenting to the Court, drawing their attention to any passages in the documents, to which he particularly wish to draw attention.

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I will now call upom the Chief Prosecutor for the United States to continue his address.

COLONEL STOREY: May it please the Tribunal: Yesterday afternoon it appeared that there was some question about the identification of documents formarlly offered in evidence. Therefore, with the Tribunal's permission I should like to offer them by number, formally, so that the Clerk can get them on his record and may be identified, with your Honors' permission.

The United States -- and may I say Sir , that we offer each one of these exhibits in evidence -- request that they be received and filed as evidence for the United States of America, with the understanding that defense council may later interpose objections. If that is agreeable Sir, the first is United States Exhibit No.1, the affidavit of Major William H. Coogan, concerning the capture, processing, and authentication of documents, together with Robert G. Storey's accompanying statement:

United States Exhibit No.2, being 2903-PS, being the Nazi Party Chart together with authentication certificates;

United States Exhibit No.3, 2905-PS, the Nazi State Chart, together with authenticating certificates;

United States Exhibit No.4, 2836-PS, the original statement of Defendant Goering as to positions held;

United States Exhibit No.5, document 2829-PS, the same, concerning the defendant Ribbentrop;

United States Exhibit No.6, 2851, being the same with reference to defendant Rosenberg;

United States Exhibit No.7, 2979-PS, the same concerning defendant Frank;

United States Exhibit No.8, being No.2978-PS, the same relating to defendant Frick;

United States Exhibit No.9, being numbered 2975-PS, regarding the defendant Streicher;

United States Exhibit No.lo, being No. 2977-PS, relating to the defendant Funk;

United States Exhibit No.11, being 3021-PS, relating to the defendant Schacht;

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United States Exhibit No.12, No.2887-PS, relating to the defendant Doenitz;

United States Exhibit No.13, No.2888-PS, relating to the defendant Raeder;

United States Exhibit No.14 ---

THE PRESIDENT: Colonel Storey, might not the numbering of these documents be done by the General Secretary?

COLONEL STOREY: Yes, sir, that is correct. That is agreeable with us Sir, but the General Secretary raised the question that it was not in the record. We have the complete tabulation describing each document by number, and if it is agreeable with your Honors, I will offer the description of this page, correctly describing, by Exhibit number, each one that was offered in evidence yesterday.

THE PRESIDENT: We will authorize the General Secretary to accept the documents so numbered.

COLONEL STOREY: Thank you, Sir.

The tabulation referred to is set forth in the following words and figures:

USA 1 Major Coogan's affidavit with Col. Storey's statement.
USA 2 (2903-PS Nazi Party Chart and authenticating papers
USA 3 2905-PS Nazi State Chart and authenticating papers.
USA 4 (2836-PS Oroginal statement of Goering's positions.
USA 5 (2829-PS " " Ribbentrop's positions.
USA 6 (2851-PS " Rosenberg's "
USA 7 (2979-PS " Frank's "
USA 8 (2978-PS " Frick's "
USA 9 (2975-PS " Streicher's "
USA 10 (2977-PS " Funk's "
USA 11 (3021-PS " Schacht's "
USA 12 (2887-PS " Doenitz' "
USA 13 (2888-PS " Raeder's "
USA 14 (2973-PS " von Schirach's "

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USA 15 (2974-PS Original statement of Sauckel's positions

USA 16 (2865-PS " Jodl's "

USA 17 (2910-PS " Syss-Inquart's "

USA 18 (2980-PS " Speer's "

USA 19 (2972-PS " von Neurath's "

USA 20 (2976-PS " Fritsche's "

DOCUMENT BOOKS

USA A Common Objectives Methods and Doctrines of Conspiracy

USA B The acquring of Tatalitarian Control over Germany; Political; First Steps; Control Acquired.

USA C Consolidation of Control; (utilization and molding of Political Machinery.

USA F Purge of Political Opponents; Terrorization.

USA G Destruction of Trade Unions and Acquisition of Control Over Productive Labor Capacity in Germany

USA H Suppression of the Christian Churches in Germany

USA I Adoption and Publication of the Program for Persecution of the Jews.

COL. STOREY: May it please the Tribunal, Mr. Justice Jackson called my attention while we were offering all of these exhibits on behalf of the United States. Naturally they are for the benefit of, and on behalf of all the other nations who are cooperating in this case.

THE PRESIDENT: That is understood.

MAJOR WALLIS: May it please the Court, when we adjourned yesterday afternoon, I was in the process of developing the various means by which these conspiritors acquired a totalitarian control of Germany. I wish to continue on that subject this morning, and I will first discuss the reshaping of education and the training of youth; and in accordance with your Honors' suggestion, I offer the document book, United States Exhibit D, and would call to the Court's attention that this book contains translations of the documents which we rely upon with respect to this portion of the case. These documents consist of German writings, German speeches of the defendants, and other Nazi leaders, and are matters that we suggest

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are clearly within the purview of judicial notice of the Court. In the brief which is offered for the assistance of the Court in connection with this subject, the exact poritions of the documents which are desired to be brought to the attention of the Tribunal are set forth either by quotation from the documents, or by references to the specific page number of the documents.

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Now, meanwhile, during this entire pre-war period, the nation was being prepared psychologically for war. One of the most important steps was the reshaping of the educational system so as to educate the German youth to be amenable to their will. Hitler publicly announced this purpose in November 1933, and I am quoting from document 2455-PS, when he said:

"When an opponent declares, 'I will not come over to your side, and you will not get me on your side,' I calmly say, 'Your child belongs to me already. A people lives forever. What are you? You will pass on. Your descendants, however, now stand in the new camps. In a short time they will know nothing else but this new community.'"

He further said in May 1937, and I refer to Document number 2454-PS:

"This new Reich will give its youth to no one, but will itself take youth and give to youth its education and its own upbringing."

The first steps taken in making the German schools the tools of the Nazi education system were two decrees in May 1934 whereby the Reich Ministry of Education was established and the control of education by local authorities was replaced by the absolute authority of the Reich in all educational matters. These decrees are set out in Documents 2078-PS, 2088-PS, 2392-PS. Thereafter, the curricula and organization of the German schools and universities were modified by a series of decrees in order to make these schools effective instruments for the teaching of Nazi doctrines.

The Civil Service Law of 1934, which was presented in evidence yesterday, made it possible for the Nazi conspirators to re-examine thoroughly all German teachers and to remove all "harmful and unworthy elements", harmful and unworthy in the Nazi opinion. Many teachers and professors, mostly Jews, were dismissed and were replaced with State-spirited teachers. All teachers were required to belong to the National Socialist Teachers' League, which organization was charged with the training of all teachers in the theories and doctrines of the NSDAP. This is set forth in document 2452-PS. The Fuhrerprinzip was introduced into the schools and universities. I refer to document 2393-PS.

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In addition, the Nazi conspirators supplemented the school system by training the youth through the Hitler Jugend. The law of the Hitler Jugend, which is set forth in document 1392-PS, states:

"The German youth, besides being reared within the family and school, shall be educated physically, intellectually and morally in the spirit of National Socialism to serve the people and community through the Hitler Youth."

In 1925 the Hitler Youth was officially recognized by the Nazi Party and became a junior branch of the SA. In 1931 the defendant Schirach was appointed Reich Youth Leader of the NSDAP with the rank of SA Gruppenfuhrer. I refer to document 1458-PS. In June 1933 the defendant Schirach was appointed Youth Leader of the German Reich. I refer to the same document, 1458-PS. In that same month, on orders of the defendant Schirach, the Nazi conspirators destroyed or took over all other youth organizations. This was accomplished by force in the first instance. The defendant Schirach, by decreed dated 22 June 1933, dissolved the Reich Committee of the German Youth Associations and took over their property. I refer to document 2229-PS. By similar decrees, all of which are set forth in the document book, all the youth organizations of Germany were destroyed. Then the Nazi conspirators made membership in the Hitler Jugend compulsory. I refer to document 1392-PS.

The Hitler Jugend from its inception had been a formation of the Nazi Party. By virtue of the 1936 Youth Law making membership compulsory, it became an agency of the Reich Government while still retaining its position as a formation of the Nazi Party. This is set forth in document 1392-PS. By 1940

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membership in the Hitler Jugend was over 7 million. I refer you to document 2435-PS. Through the Hitler Jugend the Nazi conspirators imbued the youth with Nazi Ideology. The master race doctrine and anti-Semitism, including physical attack on the Jews, were systematically taught in the training program. I refer you to document 2436-PS. The Hitler Jugend indoctrinated the youth with the idea that war is a noble activity. I refer to document 1458-PS. One of the most important functions of the Hitler Jugend was to prepare the youth for membership in the Party and its formations. The Hitler Jugend was the agency used for extensive pre-military and military training of youth. I refer to document 1850-PS. In addition to general military training, special training was given in specid formations. These included flying units, naval units, motorized units, signal units, etc.

The full details with the accompanying documents of the methods used by the Nazi conspirators in reshaping the educational system and supplementing it with the Hitler Jugend so as to educate the German youth to be amenable to the Nazi will and prepare the youth for war are set forth in the document which has been offered, and in the accompanying briefs.

Now I would like to direct your attention to the weapon of propaganda that was used during this period, and for this purpose I offer United States Exhibit E with the accompanying brief. This document book and the briefs which accompany it--

THE PRESIDENT: Have any copies of these documents been provided for the defense counsel?

COL. STOREY: I understand they have been sent to the Defendants' Information Center. I may say, Sir, by tomorrow we will have them in advance for everybody,

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including the Court and defense counsel.

THE PRESIDENT: Very well.

MAJOR WALLIS: This document book and the accompanying brief entitled "Propaganda Censorship and Supervision of Cultural Activities".

During this period one of the strongest weapons of the conspirators was propaganda. From the outset they appreciated the urgency of the task of inculcating the German masses with the National Socialist principles and ideology. The early utterances of Hitler and his fellow conspirators evidenced full recognition of the fact that their power could endure only if it rested on general acceptance of their political and social views. Immediately following their accession to power, the Nazi conspirators instituted a determined program for wholesale organization of the masses by seizing control of all vehicles of public expression. The wide-spread use of propaganda by the powerful machine thus created became a key device in establishing control over all phases of the German economy, public and private. They conceived that the proper function of propaganda was: "To prepare the ground psychologically for political action and military aggression and to guarantee popular support of a system which was based on a permanent and steadily intensified application of terror and aggression both in the sphere of domestic politics and foreign relations."

To attain these objectives, propaganda was used to create specific thought patterns designed to make the people amenable to the aims and program of the Nazis and to foster their active participation therein to the greatest extent possible. The nature of this propaganda is within the judicial purview of the court. As Goebbels put it, it

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was aimed at "conquest of the masses." Its intended effect was the elimination of all serious resistance in the masses. To achieve this result, as will be shown later in the evidence, the Nazi conspirators were utterly unscrupulous in their choice of means, a total disregard of veracity that presented their case purely from the standpoint of political expediency and their conception of national self-interest. Inasmuch as propaganda was the means to an end, "the conquest of the masses" required different strategy at different times depending on the objectives issued and pursued by the Nazi conspirators at any given moment. According to Hitler: "The first task of propaganda is the gaining of people for the future organization."

The recruiting of people for enlistment in the Party and supervised organizations was the primary objective in the years preceding and immediately following the seizure of power. After the rise to power, this task was broadened to include the enlistment of the people as a whole for the active support of the regime and its policies. As the Reich Propaganda Leader of the Party and Reich Minister for Propaganda, Goebbels stated: "Propaganda, the strongest weapon in the conquest of the State, remains the strongest weapon in the consolidation and building up of the State."

The methods which they used to control this strongest weapon in the power of the state are set forth in a chart which I would like to call to the Court's attention at this time, and would like to introduce in evidence as United States Exhibit No. 21.

As you will note from the chart, there were three separate levels of control within the German Reich. The first level was the Party Controls, which are represented

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on the chart by the top block. And you will see that the Party through its Examining Commission controlled the books and magazines and issues of books and magazines setting forth the ideology of the Party.

The second block, the Press Leader Division, supervised all publishers, and headed the Party newspapers and book publishers.

The third block, Press Chief,--this office controlled the Press Political Office, the Press Personnel Office, and supervised the Party treatment of the press and treatment of Party affairs in the press.

The center block, the Office of Propaganda Leader, had under its control not only the press but Exhibits, Affairs, Speaker's Bureau, Films, Radio, Culture, and other means of expression and dissemination of the ideology of the Party and its purposes.

The next block, Ideology, was divided exclusively to the ideology of the Party headed by the defendant Rosenberg. It supplied all the training periodicals, prepared the curricula for the schools, and the indoctrination of the people into the ideology of the Party. On that same level is Youth Education, presided over by the defendant Schirach, who had under his control the Hitler Jugend; and there were the University Students and Teachers Division of the Party Control.

On the next level you have the controls that were exercised by the state, and reading from left to right you have the Propaganda Coordinations, Foreign Coordination, and Cooperation.

Radio, which was under the control of the Defendant Fritsche, Film, Literature, the German Press, Periodicals,

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Theatre, Arts, Other Cultural Things, and the Ministry for Education.

Then in the last there is what is known as the Corporate Controls. These were under a semi-official control of both the Party and the state. These are the so-called Cultural Chambers. Their purpose was to have full control over the personnel engaged in the various arts and cultures, and engaged in the preparation and dissemination of news. That first was the Press. All reports and writers belonged to that section. The next section was Fine Arts, Music, Theatre, Film, Literature, Radio, and then going over into the Educational Branch the organization were the University Teachers, the Students, the former Corps Members of the university had to belong too.

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By means of this vast network of propaganda machinery, the Nazi conspirators had full control over the expression and dissemination of all thought, cultural activities, and dissemination of news within the Reich. Nothing was or could be published in Germany that did not have the approval, express or implied, of the Party and State. The defendant Schacht in his personal notes explains the effect of the killing of a piece of news in a totalitarian dictatorship. As he states it, it has never become publicly known that there have been thousands of martyrs in the Hitler regime. They have all disappeared in the cells or graves of concentration camps without ever having been heard of again, and he goes on to say, what is the use of martyrdom in the fight against terror if it has no chance of becoming known and thus serving as an example for others.

I would . . .

THE PRESIDENT: What were you reading from then? From what document were you reading when you quoted Schacht?

MAJOR WALLIS: I am afraid . . .

THE PRESIDENT: You can tell us later on.

MAJOR WALLIS: I will tell you later on, sir. I would now like to turn your attention . . .

THE PRESIDENT: Before you pass from this subject, there is a docket on the documents which shows that certain documents are missing. What does that mean? 1708, 2030.

MAJOR WALLIS: Those documents are in the process of being reproduced and will be furnished to the court, I hope, before the close of the day, sir. They have been added to that book and as yet, have not been completed in their process of reproduction.

THE PRESIDENT: Thank you. Have they been translated?

MAJOR WALLIS: Yes, sir, they have been translated, and the translations are in the process of being reproduced.

THE PRESIDENT: Are the documents in their original form in German?

MAJOR WAL LIS: Yes, I believe they are, sir.

THE PRESIDENT: Very well.

MAJOR WALLIS: I would now like to direct the Court's attention to the

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militarization of Nazi-dominated organizations during this pre-war period and for that purpose I offer United States Exhibit Number J, which consists of a document book with English translations, and I present to the court also, a brief which accompanies this portion of the case.

Throughout this pre-war period, and while the Nazi conspirators were achieving and consolidating their totalitarian control of Germany, they did not lose sight of their main objective -- aggressive war. Accordingly, they placed a considerable number of their dominated organizations on a progressively militarized footing, with a view to the rapid transformation of these organizations wherever necessary, as instruments of war. These organizations were the SS, the SA, the Hitler Jugend, the NSKK or National Socialistist Motor Corps, the NSFK, (the National Socialist Aviation Corps), the RAD, (Reich Labor Service) and the OT, the Todt Organization.

The manner in which the militarization was accomplished is detailed in part in the accompanying documents, which have been presented to the court and will be detailed further when the particular organizations are taken up and discussed and their criminality established at subsequent stages in the case. At this time, I would like to call the Court's attention to a chart, and while the chart is physically being placed on the board, I would offer United States Exhibit 22 - 23, I beg your pardon - - it is United States Exhibit 22, which is document 2833-PS and is a reproduction of Page 15 of the book entitled, "History of the Nazi Party". You will note that on the left lower corner of the chart, placed on the board, there are some papers attached. The top paper is an affidavit which reads as follows: "I certify that the above enlargement is a true and correct copy prepared under my direct supervision, of Document Number 2833-PS, Page 15 of the book entitled "History of the Party", and you will note that underneath is a second paper and this affidavit states it is a correct photographic copy, and which appears in the left-hand corner of the panel. This affidavit is signed by David Zablodowsky, sworn to and subscribed 23rd day of November 1945 at Nurnberg, Germany, before James H. Johnston, 1st Lt., Office of U. S. Chief of Counsel.

This chart visualizes as vividly as possible, just how this militarization took place in Germany. The Chart is entitled, "The Organic Incorporation of

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German Nationals into the National Socialist System and the Way to Political Leadership".

Starting at the bottom of the chart, you see the young folk, between the ages of 10 and 14. The arrows point both right and left. The arrow to the right is

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the Adolf Hitler School for youth between the ages of 12 and 18. Both from the School and from the young folk, they proceed to the Hitler Jugend. At 18 years of age, they graduate from the Hitler Jugend into the various party formations, the SA, SS, the NSKK, and the NSFK. At the age of 20, they continue from these party formations into the Labor Front, and from the Labor Front, after they have served their period of time there, back again to the Party Formations, the SA, SS, NSKK, SFK, until they reach the age of 21. Then they proceed into the Army, serve in the Army from the ages of 21 to 23, and then back again into the party formations of SA, SS, etc.

And then, from that group, the select move up to be political leaders of the Nazi party and from that group are selected the cream of the crop who go to the Nazi Party Special Schools and from these schools, as is represented on the top of the chart, graduate the political Fuehrers of the People.

I would emphasize again to the Court that this chart is not anything that was prepared by counsel in this case. It was prepared by the Nazi Party people and it comes from their own history.

Thus, by the end of the pre-war period, the Nazi conspirators had achieved one of the first major steps in their grand conspiracy. All phases of German life were dominated by Nazi doctrine and practice and mobilized for the accomplishment of their militant aims. To the extent to which this was accomplished, can be no better expressed than the words of Hitler when he spoke to the Reichstag on 20 February 1938. I refer to Document 2715-PS. He said:

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"Only now we have succeeded in setting before us the great tasks and in possessing the material things which are the prerequisites for the realization of great creative plans in all fields of our national existence. Thus, National Socialism has made up with a few years for what centuries before it had omitted.....National Socialism has given the German people that leadership which as Party not only mobilizes the nation but also organizes it, so that on the basis of the natural principle of selection, the continuance of a stable political leadership is safeguarded forever.....National Socialism.....possesses Germany entirely and completely since the day when, five years ago, I left the house in Wilhelms-platz as Reich Chancellor. There is no institution in this state which in not National Socialist. Above all, however, the National Socialist Party in these five years not only has made the nation National Socialist, but also has given itself the perfect organizational structure which guarantees its permanence for all future. The greatest guarantee of the National Socialist revolution lies in the complete domination of the Reich and all its institutions and organizations, internally and externally, by the National Socialist Party. Its protection against the world abroad, however, lies in its New National Socialist armed forces.....

"In this Reich, anybody who has a responsible position is a National Socialist.....Every institution of this Reich is under the orders of the supreme political leadership.....The Party leads the Reich politically, the armed forces defend it militarily....There is nobody in any responsible position in this state who doubts that I am the authorized leader of this Reich."

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Thus spoke Adolf Hitler at the end of this period on the 20th February 1938.

COLONEL STOREY: If the Tribunal please ...

DR. SEIDL (For Defendant Frank): Mr. President, may I make a few short remarks in this connection? The defendants were given, along with the indictment, a list of the documents which is introduced as follows: Every one of the .... in order ,..

(Here there was a short pause in translation).

THE PRESIDENT: (interposing) You must speak more slowly.

DR. SEIDL: (continuing)... in order to become acquainted with the points in the indictment and for that reason all the documents here listed can be used by them or referred to by them.

Now, the Chief American Prosecutor, gave the court about twelve documents this morning. Only one of the documents in this list was given to the defense. At the beginning of this trial it was stated as a fact that documents given to the court should also be given to the defense. However, the defense has no knowledge of these documents and documents are presented to the Tribunal which are not even listed in this list. Not one of them is so listed.

I must confess to you that under these conditions an adequate defense is completely impossible. I should therefore like to make the motion - firstly, that the court should give the defense counsel a list of the documents that are to be presented to the court, and secondly, the defense counsel should be given, at the latest on the day on which the documents are to be presented to the court, a copy of the documents, for the use of the defense counsel and defendants, in their own language.

The trial should be delayed until such time as this condition can be met, since otherwise, we, at least myself, will not be in a position to proceed with our defense.

THE PRESIDENT: Colonel Storey, or counsel for the prosecution, will you say what answer you have to make to this objection?

COLONEL STOREY: If the Tribunal please, in the first place practically every document referred to by Major Wallace is a document of which the

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court would take judicial knowledge. In the second place -- in the second place, daily lists of documents which the prosecution proposes -- secondly, a list of documents was filed in the Defense Information Center on November 1st. I am not sure as to whether all of those or a part of them were included. Secondly, that each attorney presenting each segment of the case sends down to the Defense Information Center a list of the documents which he proposes to offer in evidence upon his preparation. Thirdly, I wonder if the Tribunal and Defense Counsel realize the physical problems that are inposed? I am informed that copies of these documents in English as well as copies of the briefs, were delivered either last night or this morning in Defendants' Information Center. Lastly, other presentations that follow, we will abide by the Tribunal's request - namely, that, prior to the presentation the court will be furnished with these document books, with these briefs, and defense counsel will also be furnished with them in advance. The weekend will permit us to do that.

(here follows Bill Weigel's transcript).

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THE PRESIDENT: The Tribunal thinks that the trial must now continue without any adjournment, but that in the future as soon as possible the defendants' counsel will be furnished with copies of the documents which are to be put in evidence.

DR. SERVATIUS (Defense Counsel): I should like to present the following: The documents are presented to the Court also in an English translation. An examination of these translations should be made available to the Defense. I point out particularly that the translation of technical terms could possibly lead to misunderstandings. Moreover, the documents are provided with an introductory remark and a table of contents. The Defense should also have opportunity to read through this table of contents and to examine it.

I make the motion that these English translations and their preliminary remarks be made available to the Defense.

THE PRESIDENT: Colonel Storey, I understood from you that you proposed to make available to the Defense the trial briefs which contain certain observations upon the documents put in.

COLONEL STOREY: That is right, sir. They have been, are now, and will be completed during the week-end, and, as I understood, Defense Counsel were willing for the briefs to be furnished in English, and if they want a translation, there will be German speaking officers in Defendants' Information Center at their service. I understood that was agreeable yesterday.

Sir, while I am on my feet, and in order to obviate some misapprehension, for the benefit of Defense Counsel, when we refer to document numbers as, say, 1850 PS, in many instances that is a document which is a copy of a citation or a decree in the Reichsgesetzblatt, and, therefore, is not a separate document of ours. We have placed in the Defendants' Information Center ample copies of the Reichsgesetzblatt, and I dare say that one-half of the documents referred to in Major Wallis' presentation will be found in the Reichsgesetzblatt. I assure your Honor that over the week-end we will do the utmost to explain to Defense Counsel and to make

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available to them all information that we have and will do so in the future in advance.

THE PRESIDENT: Thank you. The Tribunal will now adjourn for ten minutes.

(The Tribunal then took a ten minute recess, after which proceedings continued as follows:)

COLONEL STOREY: If your Honors please, the next subject to be presented is the economic preparation for aggressive war, by Mr. Dodd.

MR. THOMAS J. DODD: May it please the Tribunal, Mr. President, and Members of the Tribunal: In view of the discussions which took place just before the recess period, I believe it proper for me to inform the Tribunal that the documents to which I shall make reference or a list of those documents has been lodged in the Defendants' Information Center, and, as well, photostatic copies of the originals have been placed there this morning.

It is my responsibility on behalf of the Chief Prosecutor for the United States of America to present the proof with reference to the allegations of the indictment under Section IV E, on Page 6 of the English version of the indictment, and particularly beginning with the second paragraph under E, which is entitled, " The Acquiring of Totalitarian Control in Germany: Economic: And the Economic Planning and Mobilization for Aggressive War." The second paragraph:

"2. They used organizations of German business as instruments of economic mobilization for war.

"3. They directed Germany's economy towards preparation and equipment of the military machine. To this end they directed finance, capital investment, and foreign trade.

"4. The Nazi conspirators, and in particular the industrialists among them, embarked upon a huge re-armament programme, and set out to produce and develop huge quantities of materials of war and to create a powerful military potential."

The fifth paragraph under that same heading E, and the final one in so far as my responsibility goes this morning, is that which reads:

"With the object of carrying through the preparation for war the

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Nazi conspirators set up a series of administrative agencies and authorities. For example, in 1936 they established for this purpose the office of the Four Year Plan with the defendant Goering as Plenipotentiary, vesting it with overriding control over Germany's economy. Furthermore, on 28th August, 1939, immediately before launching their aggression against Poland, they appointed the defendant Funk Plenipotentiary for Economics; and on 30th August 1939, they set up the Ministerial Council for the Defence of the Reich to act as a War Cabinet."

I will not take the time of this Tribunal to prove what the world already knows, that the Nazi conspirators rearmed Germany on a vast scale. I propose to place in evidence the secret records of the plans and deliberations of the inner councils of the Nazis, which prove that the reorganization

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of the German government, the financial wizardry of the Defendant Schacht, and the total mobilization of the German economy largely under the Defendant Schacht, Goering, and Funk, were directed at a single goal: Aggressive war.

I should like to hand to the Court at this point the so-called document book, which contains the English translation of the original German document. I do not make an offer at this time of these documents in evidence, but hand them to the Court for the purpose of easing the task of the Court in following the discussion concerning these documents. I might say at this point also that I should like to submit at a little later date a brief for the assistance of the Court after I have concluded my remarks before it this morning.

The significance of the economic measures adopted and applied by the conspirators can, of course, be properly appraised only if they are placed in the larger social and political context of Nazi Germany. The economic measures were adopted while the conspirators were, as has already been shown, directing their vast propaganda apparatus to the glorification of war. They were adopted while the conspirators were perverting physical training into training for war. They were adopted while, as my colleagues will show, these conspirators were threatening to use force and were planning to use force to achieve their material and political objects. In short, if your Honors please, these measures constitute in the field of economics and government administration the same preparation for aggressive war which dominated every aspect of the Nazi state.

In 1939 and 1940 after the Nazi aggression upon Poland, Holland, Belgium, and France it became perfectly clear to the world that the Nazi conspirators had created probably the greatest instrument of aggression in history. That machine was built up almost in its entirety in a period of less than one decade. In May of 1939 Major General George Thomas, former Chief of the Military-Economic Staff in the Reich War Ministry, reported that the German Army had grown from seven Infantry divisions in 1933 to thirty-nine Infantry divisions, among them four fully motorized and three mountain divisions; eighteen Corps Headquarters; five Panzer divisions; twenty-

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two machine gun battalions. Moreover, General Thomas stated that the German Navy had greatly expanded by the launching, among other vessels, of two battleships of thirty-five thousand tons, four heavy cruisers of ten thousand tons, and other warships; further, that the Luftwaffe had grown to a point where it had a strength of two hundred-sixty thousand men, twenty-one squadrons, consisting of two hundred-forty echelons, and thirty-three Anti-Aircraft Batteries.

He likewise reported that out of the few factories permitted by the Versailles Treaty there had arisen, and I now quote him, quoting from the document bearing our number EC 28, which consists of a lecture delivered by Major General Thomas on the 24th of May 1939 in the Nazi Foreign Office -- out of the few factories permitted by the Versailles Treaty there had arisen, and I now quote him, "The mightiest armament industry now existing in the world. It has attained the performances which in part equal the German wartime performances and in part even surpasses them. Germany's crude steel production is today the largest in the world after the Americans. The aluminum production excees that of America and of the other countries of the world very considerably. The output of our rifle, machine gun, and artillery factories is at present larger than that of any other state."

That quotation, I repeat, was from a document bearing the lettering "EC" and the number after the dash "28". It is United States of America exhibit 23.

These results--the results which General Thomas spoke about in his lecture in May of 1939--were achieved only by making preparation for war the dominating objective of German economy. And, to quote General Thomas from that same speech, he stated: "History will know only a few examples of cases where a country has directed, even in peace time, all its economic forces deliberately and systematically towards the requirements of war, as Germany was compelled to do in the period between the two World Wars."

That quotation from General Thomas will be found in the document bearing our number 2353--

THE PRESIDENT (Interposing): Mr. Dodd, it would help me personally if I knew where, in the document, you were reading from.

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MR. DODD: Very well, sir. Would you like me to refer back to number EC-28?

THE PRESIDENT: I have it before me, but I haven't the particular passage in the document which you were reading.

MR. DODD: That document--the one from which I have just been reading, your Honor--is in document number 2353-PS.

THE PRESIDENT: It is not in EC-28?

MR. DODD: No. It is a quotation from General Thomas, but from another writing of his.

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MR. DODD: Very well, sir. Would you like me to refer back to number EC-28?

THE PRESIDENT: I have it before me, but I haven't the particular passage in the document which you were reading.

MR. DODD: That document--the one from which I have just been reading, your Honor--is in document number 2353-PS.

THE PRESIDENT: It is not in EC-28?

MR. DODD: No. It is a quotation from General Thomas, but from another writing of his.

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THE PRESIDENT: 2353?

MR. DODD. The document is 2353-PS. It will be found on the third page of that document 2353-PS.

THE PRESIDENT: I seem to have only two pages of that document 2353-PS.

MR. DODD: I am sorry; there should be a third page.

THE PRESIDENT: There is a page in between?

MR. DODD: There should be a third page. There may be one page missing.

THE PRESIDENT: Oh yes; I have it now.

MR. DODD: The task of mobilizing the German economy for aggressive war began promptly after the Nazi conspirator's seizure of power. It was entrusted principally to the defendants Schacht, Goering, and Funk.

The defendant Schacht, as is well known, was appointed President of the Reichsbank in March of 1933 and Minister of Economics in August of 1934. The world did not know, however, that the responsiblity for the execution of this program was entrusted to the office of the Four Year Plan under the defendant Goering.

I should now like to call to your Honors' attention document bearing the number EC-408, and I should also like to refer at this time to another document for your Honors' attention while I discuss the material, which is number 2261-PS.

To continue, the world did not know, as well, that the defendant Schacht was designated Plenipotentiary for the War Economy on May 21, 1935, with complete control over the German civilian economy for war production in the Reich Defense Council, established by a top secret Hitler decree.

I invite your Honors' attention to document 2261-PS, which I referred to a few minutes ago.

The defendant Schacht recognized that the preparation for war came before all else for, in a memorandum concerning the problem of financing rearmament written on the 3rd of May, 1935, he stated that his comments were based on the assumption that the accomplishment of the armament program --

THE PRESIDENT (Interposing): Pardon me, but you referred us to document 2261.

MR. DODD: Yes, your Honor.

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THE PRESIDENT: But you haven't read anything from it,

MR. DODD: I did not; I merely referred the Court to it since it --

THE PRESIDENT (Interposing): It would help us, I think, if, when you refer to a document, you refer to some particular passage in it.

MR. DODD Very well.

THE PRESIDENT: I think it must be the middle paragraph in the document: The Fuehrer has nominated tha President of the Directorate of the Reichsbank, Dr. Schacht.

MR. DODD: Yes, that is the paragraph to which I wish to make reference.

If your Honors please, I refer to the second paragraph, or the middle paragraph, which states, in a letter dated June 24, 1935, at Berlin:

"The Fuehrer and Reich Chancellor has nominated the President of the Plenipotentiary General for the War Economy."

I might point out, in addition to the second paragraph, the last paragraph or the last sentence of that letter, which reads: "I point out the necessity of strictest secrecy once more"; the letter being signed, "von Blomberg".

Through Schascht's financial genius monetary measures were devised to restore German industry to full production; and through the control of imports and exports, which he devised under his new plan of 1934, German production was channaled, in accordance with the requiremnets of the German war machine.

I shall, with the Court's permission, later dicuss the details of documentary proof of this assertion.

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In 1936, with an eye to the experience in the First World War, the Nazi conspirators embarked on an ambitious plan to make Germany completely self-sufficient in strategic war materials such as rubber, gasoline, and steel, in a period of four years, so that the Nazi conspirators would be fully prepared for aggressive war. The responsibility for the execution of this program was entrusted to the office of the Four Year Plan under the defendant Goering -- and at this point I should like to refer to the document bearing the number and the lettering EC-408. It is dated the 30th day of December 1936, marked "Secret Command Matter", and entitled, "Report, Memorandum on the Four Year Plan and Preparation of the War Economy."

This document sets out that the Fuehrer and Reich Chancellor has conferred powers in regard to mobilization preparations in the economic field that need further definition. In the third paragraph it refers specifically to Minister-President, Generaloberst Goering as Commissioner of the Four Year Plan, by authority of the Fuehrer and Reich Chancellor granted the 18th day of October, 1936. The existence off this program involved the reorganization and control of the whole German economy for war.

Again referring to Major General Thomas -- and specifically to our document marked EC-27 -- General Thomas, in a lecture on the 28th of February, 1939, made at the Staff Instructor's Course, stated:

"The National Socialist State, soon after taking over the power, has reorganized the German economy in all sections and directed it towards a military viewpoint, which had been requested by the Army for years. Due to the reorganization, agriculture, commerce and professions become those powerful instruments the Fuehrer needs for his extensive plans, and we can say today that Hitler's mobile politics, as well as the powerful efforts of the Army and economy, would not have been possible without the necessary reorganization by the National Socialist Government. We can now say that the economic organization as a whole corresponds with the needs, although slight adjustments will have to be made yet. These reorganizations

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made a new system of economics possible which was necessary in view of our internal and foreign political situation as well as our financial problems. The directed economy, as we have it today concerning agriculture, commerce and industry, is not only the expression of the present State principles, but at the same time also the economy of the country's defense."

If your Honors please, this program was not undertaken in a vacuum it was deliberately designed and executed to provide the necessary instrument of the Nazi conspirators' plans for aggressive war.

In September of 1934 the defendant Schacht frankly acknowledged to the American Ambassador in Berlin that the Hitler Party was absolutely committed to war, and the people too were ready and willing.

That quotation is found in Ambassador Dodd's diary and is document bearing our number 2832-PS, United States Exhibit number 29; in particular, on page 176 of Ambassador Dodd's diary.

At the same time, the defendant Schacht promulgated his new plan for the control of imports and exports in the interest of rearmament. A year later he was appointed Plenipotentiary for the War Economy by the top secret decree referred to a few minutes ago.

In September 1936 the defendant Goering announced -- at a meeting attended by the defendant Schacht and others -- that Hitler had issued instructions to the Reich War Minister on the basis that the show-down with Russia was inevitable, and added that "all measures have to be taken just as if we were actually in the stage of imminent danger of war".

I refer the Court to the document bearing the letters EC-416. Before I discuss the quotation I might indicate that this document is also marked a secret Reich matter in the minutes of the Cabinet meeting of the 4th of September, 1936, at 12 o'clock noon. It tells who were

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present: The defendant Goering, von Blomberg, the defendant Schacht, and others.

On the second page of that document, in the second paragraph, is found the quotation by the defendant Goering. It starts from the basic thought that: "The show-down with Russia is inevitable. What Russia has done in the field of reconstruction we too can do."

On the third page of that document, in the second paragraph, the defendant Goering states: "All measures have to be taken just as if we were actually in the stage of imminent danger of war."

In the same month the office of the Four Year Plan was created with the mission of making Germany self-sufficient for war in four years. I refer back, at this point, to document EC-408, and I particularly refer your Honors to the third paragraph, again, of that document, where the statement is made as regards the war economy: Minister-President, Generaloberst Goering sees it as his task, within four years, to put the entire economy in a state of readiness for war.

The Nazi Government officials provided the leadership in preparing Germany for war. They received, however, the enthusiastic cooperation of the German industrialists. The role played by industrialists in converting Germany to a war economy is an important one, and I turn briefly to that aspect of the economic picture.

On the invitation of the defendant Goering, approximately 25 of the leading industrialists of Germany, and the defendant Schacht, attended a meeting in Berlin on the 20th day of February, 1933. This was shortly before the election of March 5, 1933, in Germany. At this meeting Hitler announced the conspirators' aim to seize totalitarian control over Germany, to destroy the parliamentary system, to crush all opposition by force, and to resore the power of the Wehrmacht.

Among those present on that day in February of 1933 in Berlin were Gustav Krupp, head of the huge munitions firm, Alfried Krupp, A.G.; four leading officials of the I.G. Farben Works, one of the world's largest chemical concerns; and, I repeat, also present was the defendant Schacht. Albert Vogler was also there, the head of the huge steel trusts, the United Steel Works of Germany, and there were other leading industrialists there.

In support of the assertion with respect to that meeting at that time and in that place, I refer your Honors to the document bearing the number EC-439, it being an affidavit of George von Schnitzler, which reads as follows:

"I, George von Schnitzler, a member of the Vorstand of I. G. Farben, make the following deposition under oath:

"At the end of February 1933, four members of the Vorstand of I. G. Farben, including Dr. Bosch, the head of the Vorstand, and myself were asked by the office of the President of the Reichstag to attend a meeting in his house, the purpose of which was not given. I do not remember the two other colleagues of mine who were also invited. I believe the invitation reached me during one of my business trips to Berlin. I went to the meeting which was attended by about 20 persons, who I believe were mostly leading industrialists from the Ruhr.

"Among those present I remember:

"Dr. Schacht, who at that time was not yet head of the Reichsbank again and not yet Minister of Economics.

"Krupp von Bohlen, who in the beginning of 1933 presided the Reichsverband der Deutschen Industrie, which later on was changed in the semi-official organization 'Reichsgruppe Industrie.'

"Dr. Albert Vogler, the leading man of the Vereinigte Stahlwerke.

"Von Lowenfeld from an industrial work in Essen.

"Dr. Stein, head of the Gewerkschaft Auguste Victoria, a mine which belongs to the I. G. Dr. Stein was an active member of the Deutsche Volkspartei.

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"I remember that Dr. Schacht acted as a kind of host.

"While I had expected the appearance of Goering, Hitler entered the room, shook hands with everybody and took a seat at the top of the table. In a long speech he talked mainly about the danger of communism over which he pretended that he just had won a decisive victory.

"He then talked about the Bundnis - alliance - into which his party and the Deutsch Nationale Volkspartei had entered. This latter party, in the meantime, had been reorganized by Herr von Papen. At the end he came to the point which seemed to me the purpose of the meeting. Hitler stressed the importance that the two aforementioned parties should gain the majority in the coming Reichstag election. Krupp von Bohlen thanked Hitler for his speech. After Hitler had left the room, Dr. Schacht proposed to the meeting the raising of an election fund of, as far as I remember, RM 3,000,000. The fund should be distributed between the two 'allies' according to their relative strength at the time being. Dr. Stein suggested that the Deutsch Volkspartei should be included" --

THE PRESIDENT (interposing): Mr. Dodd, it seems to me that really all that document shows is that there was a meeting at which Mr. Schacht was present, and at which it was determined to subscribe an election fund in 1933.

MR. DODD: That is quite so, your Honor. I will not labor it by reading all of it. There were some other references, but not of major importance, in the last paragraph, to a division of the election fund. I just call your Honors' attention to it in passing.

I should like, at this point, to call your Honors' attention to the document bearing the number D-203, which is a three-page document.

THE PRESIDENT: What is the number?

MR. DODD: D-203. I wish to read one excerpt from it very briefly. It is the speech delivered to the industrialists by Hitler, and I refer particularly to the second paragraph of that document:

"Private enterprise cannot be maintained in the age of democracy;"--

THE PRESIDENT (interposing): What is the date of that?

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MR. DODD: It is the speech made at the meeting on the 20th of February, 1933, at Berlin.

THE PRESIDENT: Yes.

MR. DODD: "Private enterprise cannot be maintained in the age of democracy; it is conceivable only if the people have a sound idea of authority and personality."

I refer now to page 2 of the document, and I should like to read an excerpt from the first paragraph on page 2, about 13 sentences down, beginning with the words: "I recognized even while in the hospital that one had to search for new ideas conducive to reconstruction. I found them in Nationalism, in the value of strength and power of individual personality".

Then, a little further down, the next to the last and the last sentence of that same paragraph, Hitler said:

"If one rejects pacifism, one must put a new idea in its place immediately. Everything must be pushed aside, must be replaced by something better."

Then, in the third paragraph, the last sentence: "We must not forget that all the benefits of culture must be introduced more or less with an iron fist, just as once upon a time the farmers were forced to plant potatoes."

Then finally, on that page, in the fourth paragraph - nearly at the end of it: "With the very same courage with which we go to work to make up for what had been sinned during the last 14 years, we have withstood all attempts to move us off the right way."

Then, at the top of the next page, in the second paragraph, these words: "Now we stand before the last election. Regardless of the outcome there will be no retreat, even if the coming election does not bring about a decision."

THE PRESIDENT: Why did you not read the last line on page 2: "While still gaining power, one should not start the struggle against the opponent"?

MR. DODD: Beginning with the words "while still gaining power"?

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THE PRESIDENT: The sentence before, "We must first gain complete power if we want to crush the other side completely. While still gaining power, one should not start the struggle against the opponent. Only when one knows that one has reached the pinnacle of power, that there is no further possible development, shall one strike."

MR. DODD: I was going to refer to that, if your Honor please, in a minute. However, I think it is quite proper to have it inserted here.

Before starting to read this last paragraph, I suggest that as it is now the accustomed recess time, as I understand it, and it is a rather lengthy paragraph --

THE PRESIDENT (interposing): Yes, we will adjourn until 2 o'clock.

(Whereupon at 1230 hours the Tribunal adjourned, to reconvene at 1400 hours of the same date).

File copy

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Official transcript of the International Military Tribunal, in the matter of: The United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Herman Wilhelm Goering, et al, Defendants, sitting at Nurnberg, Germany, on 23 November 1945, 1400-1630 Lord Justice Lawrence, presiding.

MR. DODD: If Your Honor pleases, if I may go back for just a very little bit to take up the train of thought where I left off at the noon recess.

We were discussing the document, bearing the number D-203, and I had referred particularly to the third page of that document, and even more particularly to the second paragraph on that page; and I wish to read from a sentence approximately 8 or 10 lines down in that second paragraph, which reads as follows:

"The question of restoration of the Wehrmacht will not be decided at Geneva but in Germany, when we have gained internal strength through internal peace."

I wish to refer again to the same page of the same document, and to the last paragraph and the last sentence, which refers to the defendant Goering, who was present at that same meeting to which this document refers, the meeting of February 20, 1933, in Berlin. Goering said:

"That the sacrifices asked for surely would be so much easier for industry to bear if it realized that the election of March 5th will surely be the last one for the next ten years, probably even for the next hundred years."

In a memorandum, dated the 22nd day of February, 1933, and for the information of the court, in the document book, bearing the number D-204, Gustav Krupp described this meeting briefly, and in the memorandum wrote that he had expressed to Hitler the gratitude of the 25 industrialists present at the meeting on February 20, 1933.

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There are other expressions in that memorandum, which we do not deem to be particularly pertinent to the allegations of the indictment with which we are now concerned.

I might point out to the court that this memorandum, together with the report of the speech of Hitler, were found by the British and the United States Armies in the personal files of the defendant Krupp.

I am aware, if Your Honors please, that the method I am pursuing here is a little tedious, because I am trying to refer specifically to the documents, and particularly to the excerpts referred to in my remarks, and therefore this presentation differs very considerably from that which has gone before. I trust, however, that you will bear with me, because this part of the case requires some rather careful and detailed explanations.

In April of 1933, after Hitler had entrenched himself in power, Gustav Krupp, as Chairman of the Reich Association of German Industry, which was the largest association of German industrialists, submitted to Hitler the plan of that association for the reorganization of German industry, and in connection therewith, undertook to bring the Association into line with the airs of the conspirators, and to make it an effective instrument for the execution of their policies.

In a letter of transmittal, Krupp stated that the plan of reorganization which he submitted on behalf of the Association of Industrialists, was characterized by the desire to coordinate economic measures and political necessity, adopting the Fuehrer

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conception of the new German state. A copy of that letter of transmittal is set out in the document book under the number D-157.

In the plan of reorganization itself, Krupp stated:

"The turn of political events is in line with the wishes which I myself and the Board of Directors have cherished for a long time. In reorganizing the Reich Association of German Industry, I shall be guided by the idea of bringing the new organization into agreement with the political aims of the Reich Government."

The ideas expressed by Krupp on behalf of the members of the Reich Association of German Industry for introducing the leadership principle into industry, were subsequently adopted.

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I respectfully refer the court to the Reichsgesetzblatt of 1934, Part I, 1194, Sections 11, 12 and 16.

Under the decree introducing the leadership principle into industry, each group of industry was required to have a leader who was to serve without compensation. The leaders were to be appointed and could be removed at the discretion of the Minister of Economics. The charter of each group was to be created by the leader, who was obligated to lead his group in accordance with the principles of the National Socialist State.

I think it is fair to argue that the introduction of the leadership principle into the organizations of business permitted the centralization of authority, and guaranteed the efficient execution of orders, which the government issued to business, in the interest of a promotion of a war economy. .

The overwhelming support given by the German industrialists to the Nazi war program is very vividly described in a speech prepared by Gustav Krupp in January of 1944, for delivery at the University of Berlin; and I must again respectfully refer Your Honors to the document in your book bearing the identification number D-317.

I shall not, of course, bore this court with a reading of that whole document, but I should like to quote from it without wrenching any of the material from its true context.

This statement is found beginning in the fourth paragraph, being the first large paragraph on the first page:

> "War material is life-saving for one's own people, and whoever works and performs in those spheres can be proud of it. Here, enterprise as a whole, finds its highest justification of existence. This justification, I may inject this here, crystallized especially during the time of interregnum between 1919 and 1933, when Germany was lying down disarmed";
>
> and further on:
>
> "It is the one great merit of the entire German war economy that it did not remain idle during those bad years, even though its activity could not be brought to light for obvious reasons. Through years of secret work, scientific and basic groundwork was laid in order to be

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ready again to work for the German armed forces at the appointed hour without loss of time or experience."

And further quoting from that same speech, and the last paragraph particularly on the first page:

"Only through the secret activity of German enterprise, together with the experience gained meanwhile through production of peace-time goods, was it possible, after 1933, to fall into step with the new tasks arrived at, restoring Germany's military power. Only through all that could the entirely new and various problems, brought up by the Fuehrer's Four-Year Plan for German enterprise, be mastered. It was necessary to supply the new raw materials, to explore and experiment, to invest capital in order to make German economy independent and strong - in short, to make it war-worthy."

Quoting even further from the same speech:

"I think I may state here that the German enterprises followed the new ways enthusiastically, that they made the great intentions of the Fuehrer their own by fair competition and conscious gratitude, and became his faithful followers. How else could the tasks between 1933 and 1939, and especially those after 1939, have been overcome?"

It must be emphasized that the secret rearmament program was launched immediately upon the seizure of power by the Nazi conspirators. On April 4, 1933, the Reich Cabinet passed a resolution establishing a Reich Defense Council. The function of this Council was secretly to mobilize for war; and at the second meeting of the Working Committee of the Councillors for Reich Defense, which was, by the way, the predecessor of the Reich Defense Council, at that second meeting which was held on May 22nd, 1933, the Chairman was the defendant Keitel, then Colonel Keitel; and he stated that the Reich Defense Council would immediately undertake to prepare for war emergency. He stressed the urgency of the task of organizing a war economy, and announced that the Council stood ready to brush aside all of their obstacles. Fully aware of the fact that their action was in flagrant violation of the Treaty of Versailles, the defendant Keitel emphasized the extreme importance of absolute secrecy when he said, and I quote from the document bearing the number EC-177,

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on page 5 of that document. Colonel Keitel is speaking, and he said:

"No document ought to be lost, since otherwise it may fall into the hands of the enemies' intelligence service. Orally transmitted, matters are not provable; they can be denied by us in Geneva."

The singleness of purpose with which the Nazi conspirators geared the German economy to the forging of a war machine is even further shown by the secret minutes of the second meeting of the Working Committee of the so-called Reich Defense Council, held on the 7th February, 1934, as shown in the document bearing the number EC-404, marked "Secret Command Matter", and dated 7th February 1934. At this meeting, Lieutenant-General Beck pointed out that:

"The actual state of preparation is the purpose of this session".

Parenthetically, I may say that on the first page of that document it appears that besides Lieutenant-General Beck, the defendant Jodl was present, then Lt. Colonel Jodl. There was a Captain Schmundt; and there was a Colonel

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Guderian there; and there was a Major-General Von Reichenau; there was a Major Warlimont; and these are names that Your Honors will hear more of in the course of the presentation of this case.

Detailed measures of financing a future war were discussed and it was pointed out that the financial aspects of the war economy would be regulated by the Reich Finance Ministry and the Reichsbank, which was headed by the defendant Schacht.

On May 31, 1935, as stated --

THE PRESIDENT: Are you passing from EC-404?

MR. DODD: I am, Your Honor.

THE PRESIDENT: Very well, go on.

MR. DODD (continuing): As was stated earlier in this morning's discussion, the defendant Schacht was secretly appointed Plenipotentiary-General of the War Economy, and he had the express function of placing all economic forces of the nation in the services of the Nazi war machine.

By the secret defence law of May 21, 1935, under which Schacht received this secret appointment, he was in effect, given charge of the entire war economy. In case of war, he was to be virtual economic dictator of Germany. His task was to place all economic forces into the service for the conduct of the war and to secure economically the life of the German people. The Ministers of Economics, of Food, Agriculture, Labor, Forestry, as well as all Reich agencies directly under the Fuehrer, were subordinated to him. He was to be responsible for the financing as well as for the conduct of the war; and he was even authorized to issue ordinances within his sphere of responsibility, even if these deviated from the existing laws.

The rearmament of Germany proceeded at an amazingly rapid pace. By the summer of 1935, the Nazi conspirators were emboldened to make plans for the reoccupation of the Rhineland; and at the tenth meeting of this same Working Committee of the Council, the question of measures to be taken in connection with the proposed reoccupation of the Rhineland were discussed.

I refer to the document bearing the number EC-405.

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At that meeting, held on the 26th day of June, 1935, it was said that the Rhineland required special treatment because of the assurances given by Hitler to the French that no military action was being undertaken in the de-militarized zone. Among the matters requiring special treatment was the preparation of economic mobilization, a task specifically entrusted to the defendant Schacht, as secret Plenipotentiary for the War Economy.

THE PRESIDENT: Are you reading from this document?

MR. DODD: I am quoting in part from it, Your Honor, and it is upon this document that I base my statements. I dislike annoying the court with constant references to these documents, but I thought it would be the best way to proceed.

THE PRESIDENT: If you tell us exactly where it is in the document we can find it in the document.

MR. DODD: It is on page 4, if Your Honor please.

THE PRESIDENT: Yes, go on.

MR. DODD: On page 4, the middle of the page, the fifth paragraph, the first sentence - "the de-militarized zone requires special treatment".

THE PRESIDENT: Yes.

MR. DODD: And on page 5, "J", under "The Preparations", "preparation of economic mobilization". On page 4, the last paragraph just before the setting-out of the "A", "B", "C" and "D".

THE PRESIDENT: I think you ought to read on page 4, the last paragraph 1 -- "since political entanglements..."

MR. DODD: That was the one I had proceeded to read.

THE PRESIDENT: I thought you had gone on to page 5.

MR. DODD: "Since political enganglements abroad must be avoided at present under all circumstances, only those preparatory measures that are urgently necessary may be carried out. The existence of such preparations, or the intention of them must be kept in strictest secrecy in the zone itself as well as in the rest of the Reich".

Preparations are then set out, and they include, as I have indicated a few minutes ago, as the last one in the list, the preparation for economic mobilization.

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There are many others, of course, for preliminary restoring of measures, and for the financial preparation for evacuation measures, and so forth. We shall pass now from that document to the rapid success of the German re-armament is attributable primarily to the work of the defendant SCHACHT. In the fall of 1934, the Nazi conspirators announced the so-called "New Plan", aiming at the control of imports and exports in order to obtain the raw materials which were needed for armaments and the foreign currency which was required to sustain the armament program. The new plan was the creation of defendant SCHACHT. Under the plan, defendant SCHACHT controlled imports by extending the system of Supervisory Boards for import control, which was previously limited to the main groups of raw materials, and all goods imported into Germany, where those raw materials are -- semi-manufactured goods, or finished products. The requirement of licenses for imports enabled the Nazi conspirators to restrict imports to those commodities which served their war aims.

Subsequently, in February, 1935 the "Devisen" Law was passed which can be found (Reichsgesetsblatt 1935, I, 105). Under it, all transactions involving foreign exchange were subject to the approval of Devisenstellen (Foreign Exchange Control Offices). By thus controlling the disposition of foreign exchange, the conspirators were able to manipulate foreign trade so as to serve their needs and desires.

Thus every aspect of the German economy was being ruthlessly geared to war under the guidance of the Nazi conspirators, particularly defendant SCHACHT. In a study of the economic mobilization for war as of 30 September 1934, it was stated that steps had already been taken to build up stock piles, to construct new facilities for the production of scarce goods, to redeploy industry to secure areas and to control fiscal and trade policies. References were made to the fact that the task of stock piling had been hampered by the requirement of secrecy and camouflage. Reserves of automobile fuels and stocks of coal were accumulated and the production of synthetic oil was accelerated. Civilian supply was purposely organized so that most plants would be

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working for the German Armed Forces. Studies were made of the possibility of barter trade with "supposedly" neutral countries in case of war.

The matter of financing the armament program presented a difficult problem for the conspirators. In 1934 and 1935, the German economy could by no possibility have raised funds for their extensive re-armament program through taxes and public loans. From the outset, the armament program involved "the engagement of the last reserves".

Apart from the problem of raising the huge sums required to sustain this program, the Nazi conspirators were exceedingly anxious, in the early stages, to conceal the extent of their feverish armament activities.

After considering various techniques of financing the armament program, defendant Schacht proposed the use of "mefo" bills, spelled M-E-F-O. One of the primary advantages of this method was the fact that figures indicating the extent of rearmament that would have become public through the use of other methods could be kept secret through the use of "mefo" bills. Mefo bills were used exclusively for armament financing.

Transactions in "mefo" bills worked as follows:
"Mefo bills were drawn by armament contractors and accepted by a limited liability company. In other words, of which spelling MEFO is from whence the transaction takes its name, called the Metallurgische Forschungsgesellschaft, m.b.h. (MEFO). This company had a nominal capital of one million Reichsmarks and was therefore merely a dummy organization. The bills were received by all German banks for possible rediscounting with the Reichsbank. The bills were guaranteed by the Reich. Their secrecy was assured by the fact that they appeared neither in the published statements of the Reichsbank nor in the budget figures.

The "mefo" bill system continued to be used until April 1, 1938. To that date, 12 Billion Reichsmarks of "mefo" bills for the financing of rearmament had been issued. Since it was no longer deemed necessary to conceal the vast progress of German rearmament, "mefo" financing was discontinued at that time.

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Affidavit of Fuhl, 2 November 1945.

A further source of funds which defendant Schacht drew upon to finance the Secret Armament Program was the funds of political opponents of the Nazi regime, and marks of foreigners on deposit in the Reichsbank. As Schacht boasted, "Our armaments are also financed partly with the credits of our political opponents."

That statement made in the memorandum from the Schacht to Hitler, dated 3 May 1935, and it bears the number in the document of Book 1168-PS, and the specific sentence I found in the second paragraph is:

The outstanding "mafo" bills at all times represented a threat to the stability of the currency because they could be tendered to the Reichsbank for discount, in which case the currency circulation would automatically have to be increased. Thus, there was an ever-present threat of inflation. But Schacht nevertheless continued on his course, because "he stands with unswerving loyalty to the Führer, because he fully recognizes the basic idea of National Socialism and because at the end, the disturbances, compared to the great task can be considered irrevelant.

High ranking military officers paid tribute to defendant Schacht's contrivances on behalf of the Nazi war machine. In an article written for the "Military Weekly Gazette" in January 1937, it was said:

> "The German Defense Force commemorates Dr. Schacht today as one of the men who have done imperishable things for it and its development in accordance with directions from the Führer and Reich Chancellor. The Defense Force owes it to Schacht's skill and great ability that, in defiance of all currency difficulties, it, according to plan has been able to grow up to its present strength from an army of 100,000 men."

After the reoccupation of the Rhineland, the Nazi conspirators re-doubled their efforts to prepare Germany for a major war. The Four-Year Plan was proclaimed by Hitler in his address at the Nurnberg Party Convention on 9 September, 1936, and it was given a statutory

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foundation by the Decree concerning the Execution of the Four-Year Plan dated 18 October, 1936, which I found in Reichsgesetzblatt 1936, I, 887. By this decree defendant Goering was put in charge of the plan. He was authorized to enact any legal and administrative measures deemed necessary by him for the accomplishment of his task, and to issue orders and instructions to all government agencies, including the highest Reich authorities.

The purpose of the plan was to enable Nazi Germany to attain complete self-sufficiency in essential raw materials, notably motor fuel, rubber, textile fiber, and non-ferrous metals, and to intensify preparations for war. The development of synthetic products was greatly accelerated despite their high costs.

Apart from the self-sufficiency program, however, the Nazi conspirators required foreign exchange to finance propaganda and espionage activities abroad. Thus, in a speech on November 1, 1937, before the Wehrmachtakademie, General Thomas stated:

> "If you consider that one will need during the war considerable means in order to organize the necessary propaganda in order to pay for the espionage service, and for similar purposes, then one should be clear that our internal Mark would be of no use therefore, and that Foreign Exchange will be needed."

This particular need for foreign exchange was reduced in part by virtue of the espionage and propaganda services rendered free of charge to the Nazi State by leading German industrial concerns.

I hold in my hand document bearing number D 206, dated at Essen 12 October 1935. It was found in the files of the Krupp Company by representatives of United States and British Isles. I shall not read all of it unless Your Honor requires it, but I'll start at the beginning by way of establishing its purposes and information contained therein. It is entitled "Memorandum". There is the subheading: Concerns: - distribution official propaganda literature abroad with

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help of our foreign connections. It goes on and says that on the morning of October 11th the district representative of the Ribbentrop Private Foreign Office, Dienststelle Ribbentrop, made an appointment by telephone with Mr. Lachman to arrive at appointed time. In answer to my question with whom I was dealing, and which official bureau, the representative informed me that he was not himself the district representative of Ribbentrop Private Foreign Office, but that Mr. Lachman for Bormann, who said that he himself had come at Mr. Bormann's orders.

The next paragraph states that there exist more mixup in the field of foreign propaganda, and Ribbentrop's Foreign Office in order to create a private organization for foreign propaganda, for this purpose the support of our firm and above all an index of addresses were needed. The next sentence in the third paragraph I would like to read. "I informed Mr. Lachman that our firm has put itself years ago at the disposal of official bureaus for purposes of foreign propaganda, and that we had supported all requests addressed to us to the utmost.

I now hold in my hand document number P-167. This also is a copy of document found in the files of the Krupp Company by representatives of America and the British Isle. It is dated 12th day October ------- 14th day October 1937, and states it is a memorandum of Herr Sonnenberg of the meeting at Essen on 12th day October, 1937. It indicates that only in the "Mazo" representing the intelligence with the combined service of the ministry is the department coming under the defense office, as for the intelligence in the foreign department, but not including matters published in newspapers. Intelligence received by Koch was from agents, and threading through other channels to be passed on by the services of the Intelligence.

Finally, the third paragraph states: On our part we undertook to supply cases to combine the service of ministry as required.

I have concluded reading from that document, and I pass on now to discuss the conspirators program of self-sufficiency, proceeded, as I have said so many times here today, with an amazing -- a real

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amazing speed; the production of steel, for example, as shown in the official German publications, rose as follows:

In the year of 1933	74,000 tons
In the year of 1934	105,000 tons
In the year of 1935	145,000 tons
In the year of 1936	186,000 tons
In the year of 1937	217,000 tons
and in the year1938	477,000 tons

The production of gasoline increased at an even greater tempo: from 387,000 tons in 1934 to 1,494,000 tons in 1938.

The Nazi conspirators pressed the completion of the armament program with a sense of urgency which clearly betrayed their awareness of the imminence of war. At a 4 September 1936 meeting, Goering pointed out that "all measures have to be taken just as if we were actually in the state of imminent danger of war." He pointed out that "if war should break out tomorrow we would be forced to take measures from which we might possibly still shy away at the present moment. They are therefore to be taken." The extreme urgency was manifested by Goering's remark that "existent reserves will have to be touched for the purpose of carrying us over this difficulty until the goal ordered by the Führer has been reached; in case of war they are not a reliable backing in any case."

The top secret letter and an important secret top secret, on 21 August 1936 the defendant Schacht was continuing with Hitler who had ordered that all formations of air force be ready by April 1, 1937. This served to accentuate the urgent sense of immediacy that had provided the Nazi economy from the outside.

Reading from other sections in Hitler Nazi --

THE PRESIDENT: I am going to interrupt you. Insofar as I understand you have not referred us to any document, since document 167.

MR. DODD: No, Your Honor, the figures there on the production of steel, and of oil are from the statistical year book of the German Reich, 1939 and 1940, and the statistical year book from the German Reich 1941 and 1942. That is, with respect to the steel figures, and the figures which I quoted with respect to the production of gasoline are from the statistical year book of the German Reich, 1941 and 1942. The statements of the defendant Goering are based upon the document marked EC 416, in document book.

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MR. DODD (continuing): I quoted a remark about the --

THE PRESIDENT: That is the document you already referred to?

MR. DODD: Yes, it has been referred to heretofore, I believe. Some of these documents contain references to more than one part of the presentation, and I have to refer to them at different times in the presentation I make.

THE PRESIDENT: All right. Go on, if you want to refer to it.

MR. DODD: The sixth paragraph on the first page: "Existing reserves will have to be touched for the purpose of carrying through over this difficulty until the goal ordered by the Fuehrer has been reached, and then in the case of war, they are not a reliable backing in any case." And on the second page, the eighth paragraph down: "If war should break out tomorrow, we would be forced to take measures from which we might possibly still find a way at the present moment. They are therefore to be taken." With reference to the assertion that the Defendant Schacht was advised that Hitler ordered that all formations of the air force be ready by April 1, 1937, I respectfully refer to document 1301-PS, dated 31 August 1936. I am advised that the document should bear an additional number. It should read 1301-PS-7. On the first page, if your Honor please, the third paragraph, or the paragraph marked 3 and after the word "air force"--

THE PRESIDENT: The third page?

MR. DODD: No, on the first page, 1301-PS-7. In your folio, it is page 19 of the group of documents bearing the serial number 1301-PS.

THE PRESIDENT: Our documents are not paged.

MR. DODD: I think you will find the number on the upper left-hand corner, very near to the top and at the extreme left.

THE PRESIDENT: Yes, I've got this document now.

MR. DODD: Paragraph No. 3 after the word, "air force."

THE PRESIDENT: Yes.

MR. DODD: It states that according to an order of the Fuehrer, the setting up of all air force units had to be completed on April 1, 1937; and if your Honor will turn the page, page 20, about midway in

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the page, you will observe that a copy of this document was sent to the president of the Reichsbank, Dr. Schacht.

THE PRESIDENT: Yes, what are you passing to now?

MR. DODD: I am now passing to another document immediately, your Honor. After their successes in Austria and the Sudetenland, the Nazi conspirators redoubled their efforts to equip themselves for the war of aggression which they planned to launch. In a conference on October 14, 1938, shortly before the Nazi conspirators made their first demands on Poland, the defendant Goering stated that, "The Fuehrer had instructed him to carry out a gigantic program, by comparison with which the performances thus far were insignificant. This faced difficulties which he would overcome with the greatest energy and ruthlessness." And that statement may be found in document 1301-PS, on page 25 of that document, and particularly the second sentence of the opening paragraph: "Everybody knows from the press what the world situation looks like, and therefor the Fuehrer has issued an order to him--"

THE PRESIDENT: That's not on page 25, is it? Is that on page 25 of 1301?

MR. DODD: Yes, your Honor.

THE PRESIDENT: Yes.

MR. DODD: "Everybody knows from the press what the world situation looks like, and therefore the Fuehrer has issued an order to him to carry out a gigantic program compared to which previous achievements are insignificant. There are difficulties in the way which he will overcome with the utmost energy and ruthlessness."

The supply of foreign currency had sunken because of preparations for the invasion of Czechoslovakia, and it was considered necessary to replenish it. These--and I am now referring to the third paragraph of that same page 25 of document 1301-PS--"these gains made through the export are to be used for an increased armament. The armament should not be curtailed by export activities." He received the order from the Fuehrer to increase the armament to an abnormal extent, the air force having first priority. "Within the shortest time, the air force

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the air force should be increased five fold; also the navy should create war weapons more rapidly, and the army should produce large amounts of war weapons at a faster rate, particularly heavy artillery and heavy tanks. Along with this a larger production of armament must go, especially fuel, rubber, powders and explosives must be moved to the foreground. This should be coupled with an accelerated expansion of highways, canals, and particularly of the railroads.

In the course of these preparations for war, a clash of wills ensued between two men, the defendant Goering and the defendant Schacht, as a result of which the defendant Schacht resigned

his position as head of the Ministry of Economics and plenipotentiary for the war economy in November of 1937 and was removed from the presidency of the Reichsbank in January of 1939. I do not propese at this moment to go into the details of this controversy. There will be more said on that subject at a later stage in these proceedings, but for the present, I should like to have it quoted that it is our contention that Schacht's departure in no way implied any disagreement with the major war aims of the Nazis. The defendant Schacht took particular pride in his vast attainments in the financial and economic fields in aid of the Nazi war machine. And in the document bearing the number EC-257, which is a copy of a letter from the defendant Schacht to General Thomas, in the first paragraph of the letter, he wrote, "I think back with much satisfaction to the work in the Ministry of Economics which afforded me the opportunity to assist in the rearmament of the German people in the most critical period, not only in the financial but also in the economic sphere. I have always considered a rearmament of the German people as conditions sine qua non of the establishment of a new German nation." The second paragraph is of a more personal nature. It has no real bearing on the issues before us at this time.

In document labeled EC 252, a letter written to General Von Blomberg, dated the 8th day of July, 1937, the defendant Schacht wrote, "The direction of the war economy by the plenipotentiary would in that event never take place entirely independant from the rest of the war mechanism but would be aimed at accomplishment of the political war purpose with the assistance of all economic forces. I am entirely willing, therefore, to participate in this way in the proparation of the forthcoming order giving effect to the Defense Act."

In the spring of 1937, defendant Schacht participated with representatives of the three branches of the armed forces in war games in war economy at Godesberg, which is probably some thing new by way--or was something new by way of movement exercises. The war games in war economy were held at Godesberg, Germany. And I refer to the document bearing the label EC-174. It has as a heading, or subheading, under the summary, "War economy tasks in

Godesberg undertaken by General Staff between the 25th of May and the 2nd of June," and it goes on to outline in some slight detail that there was a welcome to the General Staff war economy trip. It tells something in a rather vague and not altogether clear way of just how a war game in war economy was conducted but il leaves no doubt in the mind that such a war game in war economy had been conducted at Godesberg at that time. On the second page of this document, the last paragraph, is the translation of Part L of the speech welcoming Dr. Schacht. It says: "Before I start with the discussion of the war game in war economy, I have to express how grateful we all are that you, President Dr. Schacht, have gone to the trouble to personally participate in our final discussion today despite all your other activities. This proves to us your deep interest in war economy tasks shown at all times and your presence is renewed proof that you are willing to facilitate for us soldiers the difficult war-economic preparations and to strengthen the harmonious cooperation with your offices."

I should also like to call the court's attention to the next to the last paragraph on the first page. It is a one-sentence paragraph, and it simply says, "I want to point out, however, that all matters and all information received has to be kept in strictest secrecy," and it refers to the preceding paragraph concerning the war games in war economy.

It appears that the annexation of Austria was a goal which the defendant Schacht had long sought, for in a speech to the employees of the former Austrian National Bank, as set out in the document bearing the label EC-297, and particularly the second paragraph of the first page of that document, nearly at the end, four or five lines from the end of that paragraph, we find these words, immediately after "large applause", these words: "Austria has certainly a great mission, namely, to be the bearer of German culture, to insure respect and regard for the German name, especially in the direction of the southeast. Such a mission can only be performed within the Great German Reich and based on the power of a nation of 75 millions, which, regardless of the wish of the opponents, forms the heart and the soul of Europe." Dr. Schacht goes on to say, "We have read a lot in the foreign

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press during the last few days that this aim, the union of both countries, is to a certain degree justified, but that the methods of effecting this union was terrible. This method which certainly did not suit one or the other power was nothing but the consequence of countless perfidies and brutal acts and violence which foreign countries have practiced against us." And I now refer to page 3 of this same document and to the fourth paragraph, about the center of the page, and reading from it: "I am known for

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sometimes expressing thoughts which give offense and there I would not like to depart from this consideration. I know that there are even in this country a few people -- I believe they are not too numerous -- who find fault with the events of the last few days; but nobody, I believe, doubts the goal, and it should be said to all grumblers that you can't satisfy everybody. One person says he would have done it maybe one way, but the remarkable thing is that they did not do it, and that it was only done by our Adolf Hitler; and if there is still something left to be improved, then those grumblers should try to bring about these improvements from the German Reich, and within the German community, but not to disturb us from without."

In the memorandum of the 7th of January 1939, written by the defendant Schacht and other directors of the Reichsbank to Hitler urging a balancing of the budget in view of the threatening danger of inflation, it was stated, and I now refer to the document bearing the label EC-369 and particularly to the paragraph at the bottom of the first page of that document: "From the beginning the Reichsbank has been aware of the fact that a successful foreign policy can be attained only by the reconstruction of the German armed forces. It (the Reichsbank) therefore assumed to a very great extent the responsibility to finance the rearmament in spite of the inherent dangers to the currency. The justification therof was the necessity, which pushed all other considerations into the background, to carry through the armament at once, out of nothing, and furthermore under camouflage, which made a respect-commanding foreign policy possible."

The Reichsbank directors, as experts on money, believed that a point had been reached where greater production of armaments was no longer possible. That was merely a judgement on the situation and not a moral principle, for there was no opposition to Hitler's policy of agression. Doubts were entertained as to whether he could finance that policy. Hitler's letter to Schacht on the occasion of Schacht's departure from the Reichsbank, as contained in document EC-397, paid

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high tribute to Schacht's great efforts in furthering the program of the Nazi conspiritors. The armed forces by now had enabled Hitler to take Austria and the Sudetenland. We say Schacht's task up to that point had been well done. From Document EC-397, in the words of Hitler, in a letter which he wrote to the defendant Schacht, "Your name, above all, will always be connected with the first epoch of national rearmament."

Even though dismissed from the presidency of the Reichsbank, Schacht was retained as a minister without portfolio and special confidential adviser to Hitler. Defendant Funk stepped into Schacht's position as president of the Reichsbank. And I ask at this point that the court might take judicial notice of the Volkisher Beobachter of January 21, 1939. The defendant Funk was completely uninhibited by fears of inflation, for like Goering, under whom he had served in the Four-Year Plan, he recognized no obstacles to the plan to attack Poland.

In document 699-PS, a letter from the defendant Funk to Hitler, written on August 25 1939, only a few days before the attack on Poland, the defendant Funk reported to Hitler that the Reichsbank was prepared to withstand any disturbances of the international currency and credit system occassioned by a large-scale war. He said that he had secretly transferred all available funds of the Reichsbank abroad into gold, and that Germany stood ready to meet the financial and economic tasks which lay ahead.

And as it seems plain and clear from the writings, from the acts, from the speeches of the Nazi conspiritors themselves, that they did in fact direct the whole of the German economy toward preparation for aggressive war. To paraphrase the words of the defendant Goering, the conspiritors gave the German people "guns instead of butter," and they also gave -- we say, they also gave history its most striking example of a nation gearing itself in time of peace to the single purpose of aggressive war. Their economic preparations, formulated and applied with the ruthless energy of Goering, the cynical financial wizardry of Schacht, and the willing complicity of Funk, among others, were the indispensable first act in the heart-breaking tragedy which their

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aggression inflicted upon the world.

I should like to offer, if I may at this time, your Honor, those documents which I have referred to in the course of this discussion. We have here the original documents in the folders, and they compare with the translations which have been submitted to the court.

THE PRESIDENT: Have the defendants had the opportunity of inspecting these documents?

MR. DODD: I doubt that they have had full opportunity to inspect them, your Honor. The statistics are there, but I don't think they have had the opportunity to inspect them because they haven't been there long enough for that.

THE PRESIDENT: Well, the Tribunal -- I think that there should be full opportunity of inspecting them and comparing with the copies which have been submitted to us before the originals are put in.

MR. DODD: Very well, your Honor. We may offer these later, as I understand?

THE PRESIDENT: Certainly. The Tribunal will adjourn for ten minutes.

(Whereupon the court, at 1525 o'clock, recessed for ten minutes.)

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COLONEL STOREY: May it please the Tribunal:

The United States Prosecution now passes into the aggressive war phase of the case and it will be presented by Mr. Alderman.

MR. SIDNEY S. ALDERMAN: May it please the Tribunal:

I rise to present, on behalf of the United States Chief of Counsel, evidence to support the allegation of Count I of the Indictment relating to the planning, preparation, initiation, and waging of illegal and agressive war, and relating to the conspiracy to commit that crime.

The aggressive war phase of the case, the aggressive war phase of the conspiracy case under Count I, and the aggressive war phase of the entire case is really, we think, the heart of the case. If we did not reach it in our presentation we would not reach the heart of the case. If we did not present it to the Tribunal in the necessary detail, we would fail to present what is necessary to the heart of the case.

After all, everything else in this case, however dramatic, however sordid, however shocking and revolting to the common instinct of civilized peoples, is incidental to, or subordinate to, the aggressive war aspect of the case.

All the dramatic story of what went on in Germany in the early phases of the conspiracy, the ideologies used, the technics of terror used, the suppressions of human freedom employed in the seizure of power, and even the concentration camps and the crimes against humanity, the persecutions, tortures and murders committed, all of these things would have had little juridical international significance except for the fact that they were the preparation for the commission of aggressions against peaceful neighboring peoples.

Even the aspects of the case involving war crimes in the strict sense are aspects which are merely the inevitable, proximate result of the wars of aggression launched and waged by these conspirators, and of the kind of warfare they waged, that is total war, the natural result of the totalitarian party dominated state that waged it, and atrocious war, the natural result of the atrocious doctrines, designs and purposes of these war-makers.

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For these reasons, I repeat, that in our view the phases of the case dealing with territorial gains acquired by threats of force and with actual aggressions and aggressive wars, constitute the real heart of the case. Accordingly, we ask the indulgence of the Tribunal if for these reasons we make the presentation of this part of the case as detailed as seems to us necessary in view of the outstanding importance of the subject matter.

The general scope of the case to be presented by the American prosecution has been stated in the opening address of Mr. Justice Jackson. That address indicated to the Tribunal the general nature and character of the evidence to be offered by the American prosecution in support of the allegations with which I shall deal. However, before approaching the actual presentation of that evidence, it seems to us it would be helpful to an orderly presentation of the case, to address the Tribunal in an introductory way concerning this specific segment of the prosecution's case. In doing so, I shall not attempt to retrace the ground so ably covered by Mr. Justice Jackson. On the contrary, I shall confine my introductory remarks to matters specifically and peculiarly applicable to that part of the American case relating to the crime of illegal warfare, and the common plan or conspiracy to commit that crime.

The substantive rule of law which must guide the considerations of the Tribunal on this aspect of the case, and the rule of law which must be controlling in the final judgement of the Tribunal on this part of the case, is stated in Article 6 of the Charter of the International Military Tribunal. Article 6, so far as is pertinent here, reads as follows:

> "Article 6. The Tribunal established by the Agreement referred to in Article 1 hereof for the trial and punishment of the major war criminals of the European Axis countries shall have the power to try and punish persons who, acting in the interests of the European Axis countries, either as individuals or as members of organizations, committed any of the following crimes.
>
> "The following acts, or any of them, are crimes coming within the jurisdiction of the Tribunal for which there shall be individual responsibility:
>
> '(a) CRIMES AGAINST PEACE: namely, planning, preparation, initiation or waging of a war of aggression, or a war in violation of international treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing;"

Subparagraphs (b) and (c) of Article 6 are not pertinent to this aspect of the case. However, the unnumbered final paragraph of Article 6 is of controlling

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importance on this aspect of the case. That paragraph reads as follows:

> "Leaders, organizers, instigators and accomplices participating in the formulation or execution of a common plan or conspiracy to commit any of the forgoing crimes are responsible for all acts performed by any persons in execution of such plan."

In receiving evidence on this aspect of the case I would request the Tribunal to have in mind five principles derived from the portions of the Charter I have just read: (1) The Charter imposes "individual responsibility" for acts constituting "crimes against peace"; (2) The term "Crimes against peace" embraces planning, preparation, initiation, or waging of illegal war; (3) The term "Crimes against peace" also embraces participation in a common plan or conspiracy to commit illegal war; (4) an illegal war consists of either a war of aggression, or a war in violation of international treaties, agreements or assurances. These two kinds of illegal war might not necessarily be the same. It will be sufficient for the prosecution to show that the war was aggressive irrespective of breach of international treaties, agreements or assurances. On the other hand it would be sufficient for the prosecution to show that the war was in violation of international treaties, agreements or assurances irrespective of whether or not it was a war of aggression. We think the evidence in this case will establish conclusively that the wars planned, prepared, initiated, and waged by these defendants and the wars which were the object of their common plan and conspiracy were illegal for both reasons. The fifth principle which I ask you to bear in mind, is that individual

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criminal responsibility of a defendant is imposed by the Charter not merely by reasons of direct, immediate participation in the crime. It is sufficient for the prosecution to show that a defendant was a leader an organizer, instigator, or accomplice who participated either in the formulation or in the execution of a common plan or conspiracy to commit crimes against peace. In the case of many of the defendants the evidence will show direct and immediate personal participation in the substantive crime itself. In the case of some of the defendants the evidence goes to their participation in the formulation and execution of a common plan or conspiracy. In the case of each defendant we think the evidence will establish full individual responsibility for crimes against peace as defined in the Charter of this Tribunal. In this connection I wish to emphasize that the Charter declares that the responsibility of conspirators extends not only to their own acts but also to all acts performed by any persons in execution of the conspiracy.

It is familiar law in my country that if two or more persons set out to rob a bank in accordance with a criminal scheme to that end, and in the course of carrying out their scheme one of the conspirators commits the crime of murder, all the participants in the planning and execution of the bank robbery are guilty of murder, whether or not they had any other personal participation in the killing. This is a simple rule of law declared in the Charter. All the parties to a common plan or conspiracy are the agents of each other and each is responsible as principal for the acts of all the others as his agents.

So much for the terms of the Charter having a bearing on this aspect of the case.

I invite the attention if the Tribunal to the portions of the Indictment lodged against the defendants on trial which relate to the crimes of illegal war or war of aggression. Particularly I ask the Tribunal to advert to the statements of offenses under Count I and Count 2 of the Indictment in this case.

The statement of offenses under Count I of the Indictment is contained in paragraph III. The offenses there stated so far as pertinent to the present discussion is:

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"All the defendants, with divers other persons, during a period of years preceding 8th May 1945, participated as leaders, organizers, instigators or accomplices in the formulation or execution of a common plan of conspiracy to commit, or which involved the commission of, Crimes against Peace, as defined in the Charter of this Tribunal ..... The common plan or conspiracy embraced the commission of Crimes against Peace, in that the defendants planned prepared, initiated and waged wars of aggression, which were also wars in violation of international treaties, agreements or assurances."....

The statement of offense under Count 2 of the Indictment is also relevant at this point. It must be obvious that essentially Counts I and 2 interlock in this indictment. The substance of the offense stated under Count 2, paragraph V of the Indictment is this:

"The emphasis in the statement of offenses under Count 1 of the Indictment is on the common plan of conspiracy. The emphasis under Count 2 of the Indictment is on the substantive crimes to which the conspiracy related and which were committed in the course of a nd pursuant to that conspiracy."

I should hasten to add at this point that in the division of the case as between the chief prosecutor of the four prosecuting governments, primary responsibility for the presentation of the evidence supporting Count 1 has been placed on the American prosecutor, and primary responsibility for the presentation of the evidence supporting Count 2 of the Indictment has been placed on the British prosecutor.

But as we shall show somewhat later, there will to some extent be a cooperative effort as between the prosecutors to present both counts together, In addition to the statement of offense relating to illegal warfare in paragraph III under Count 1 of the Indictment, Count 1 also contains what amounts to a bill of particulars of that offense. In so far as those particulars relate to illegal warfare, they are contained in paragraph IV (F) of the Indictment which sets out in the English text on pages 7 through the top of page 10 under the general heading "Utilization of Nazi Control for Foreign Aggression." The allegations of this bill of particulars have been read in open court, in the presence of the defendants, and the Tribunal, as well as the defendants, are certainly familiar with the contents of these allegations. I call attention to them, however, in order to focus attention on the parts of the Indictment which are relevant in consideration of the evidence which I intend to bring before

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the Tribunal.

My introduction to the presentation of evidence in this matter would be faulty if I did not invite the Tribunal to consider with me the relationship between history and the evidence in this case. Neither Counsel nor Tribunal can orient themselves to the problem at hand - neither counsel nor Tribunal can present or consider the evidence in this case in its proper context - neither can argue or evaluate the staggering implications of the evidence at hand to be presented without reading that history, reading that evidence against the background of recorded history, and by recorded history, I mean the history merely of the last 12 years.

Justice Oliver Wendell Holmes, of the U.S. Supreme Court, found in his judicial experience that "a page of history is worth a volume of logic." My recollection is that he stated it perhaps better, perhaps earlier in the preface as to his book on the common law where he said, I think, "The life of the law has been not logic but experience." I submit, that in the present case, a page of history is worth a hundred tons of evidence. As lawyers and judges we cannot blind ourselves to what we know as men. The history of the past 12 years is a burning, living thing in our immediate memory. The facts of history crowd themselves upon us and demand our attention.

It is common ground among all systems of jurisprudence that matters of common knowledge need not be proved but may receive the judicial notice of courts without other evidence. The

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Charter of this Tribunal, drawing on this uniformly recognized principle, declares in Article 21:

> "The Tribunal shall not require proof of facts of common knowledge but it shall take judicial notice thereof."

The facts of record history are the prime example of facts of common knowledge which require no proof. No court would require evidence to prove that the Battle of Hastings occurred in the year 1066, or that the Bastille fell on the 14th of July 1789, or that Czar Alexander I freed the Serfs in 1863, or that George Washington was the first President of the United States, or that George III was the reigning King of England at that time.

If I may be allowed to interpolate, an old lawyer-professor of mine used to present a curiosity of the law - that a judge is held to responsibility for no knowledge of the law whatsoever, that a lawyer is held to a reasonable knowledge of the law, and a layman is held to an absolute knowledge of all the lawyers. It works inversely as to facts, or facts of common knowledge. There, the Judge is imputed to know all of those facts. Howevere, many of them he may have forgotten as an individual man, So one of the purposes of this presentation will be to implement the judicial knowledge, if a hypothesis actually exists.

It is not our purpose however, to convert the record of these proceedings into a history book. The evidence which we offer in this case is the evidence which for the moment has been concealed from historians. It will fill in recorded history, but it must be read against the background which common knowledge provides. The evidence in this case is primarily captured documents - these captured documents fill in the inside story underlying the historical record. The evidence which we will offer constitutes an illustrative spot-check on the history of recent times as the world knows it. The evidence to be offered is not a

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substitute for History. We hope the Tribunal will find it to be an authentication of history. The evidence which we have drawn from captured documents establishes the validity of the recent history of the past 12 years -- a history of many aggressions by the Nazi conspirators accused in this case.

As I offer to the Tribunal document after document I ask the court to see in those documents definite additions to history the addition of new elements long suspected and now proved. The ele ments which the captured documents on which this particular aspect of the case will add to recorded history are the following: (1) the conspiratorial nature of the planning and preparation which underlay the Nazi aggressions already known to history; (2) the deliberate premeditation which preceded those acts of aggression; (3) the evil motives which led to the crimes; (4) the individual participation of named persons in the Nazi conspiracy for aggression; (5) the deliberate falsification of the pretexts claimed by the Nazi aggressors as they arose for their criminal activities.

These ele ments the captured documents will demonstrate beyond possible doubt and these ele ments in the context of historical facts we think are all that need be shown.

The critical period between the Nazi seizure of power and the initiation of the first war of aggression was a very short period. This critical period of lawless preparation and illegal scheming which ultimately set the whole world aflame was unbelievably short. It covered 6 years, 1933 to 1939. The speed with which all this was accomplished evidence at once the fanatical intensity of the conspirators and their diabolical efficiency. Crowded into these 6 short years is the making of the greatest tragedy that has ever befallen mankind.

A full understanding of these 6 years, and the vibrant 6 years of war that followed, demands that we see this period of

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time divided into rather definite phases, phases that reflect the development and execution of the Nazi master plan. I suggest that the Tribunal as it receives evidence, fit it into five phases. The first was primarily preparatory, although it did involve over-acts. That phase covers roughly the period from 1933 to 1936. In that period the Nazi conspirators, having acquired government control of Germany by the middle of 1933, turned their attention toward utilization of that control for foreign aggression. Their plan at this stage was to acquire military strength and political bargaining power to be used against other nations. In this they succeeded. The second phases of their aggression was shorter. It is rather interesting to see that as the conspiracy gained strength, it gained speed. During each phase the conspirators succeeded in accomplishing more and more in less and less time until toward the end of the period, the rate of acceleration of their conspiratorial movement was enormous. The second phase of their utilization of control for foreign aggression involved the actual seizure and absorption of Austria and Czechoslovakia in that order. By March the third month of 1939 they had succeeded in this phase. The third phase may be measured in months rather than years from March 1939 to September 1939. The previous aggression being successful having been consumated without the necessity of resorting to actual war, the conspirators had obtained much desired resources and bases and were ready to undertake further aggresssions by means of war, if necessary. By September 1939 war was upon the world. The fourth phase of the aggression consisted of expanding the warinto a central European war of aggression. By April 1941 the war which had thertofore involved Poland, the United Kingdom and France, had been expanded by inva sions into Scandinavia and into the low countries and into the Balkans. In the next phase the Nazi

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conspirators carried the war eastward by invasion of the territory of the Union of Soviet Socialist Republics, and finally, through their Pacific ally, Japan, precipitated the attack on the United States at Pearl Harbor.

The final result of these aggressions is fresh inthe mind of all of us.

I turn now to certain outstanding evidence at hand.

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While on the phase of the case we shall not rest exclusively on them alone, the essential elements of the crime which I have already pointed out can be made out by a mere handful of captured documents. My order of presentation of these will be first to present one by one this handful of documents, documents which prove the essential elements of the case on aggressive war up to the hilt. These documents will no leave no reasonable doubt concerning the aggressive character of the Nazi war or concerning the conspiratorial premiditation of that war. Some of this group of documents are the specific basis for particular allegations in the Indictment. As I reach those documents, I shall invite the attention of the Tribunal to the allegations of the Indictment which are specifically supported by them. Having proved the corpus of the crime in this way, I will follow the presentation of this evidence with a more or less chronological presentation of the details of the aggressive war fare producing more detailed evidence of the relevant activities of the conspirators from 1933 to 1941.

The documents which we have selected for single presentation at this point, before developing the case in detail, are tenin number. The documents have been selected to establish the basic facts concerning each phase of the development of the Nazi comspiracy for aggression. Each document is conspiratorial in nature. Each document is one, I believe, hereto unknown to history and each document is selfcontained and tells its own story. Those are the three standards of selection which we have sought to apply.

I turn to the period of 1933 to 1936, a period characterized by an orderly, planned sequence of preparation for war. This id the period covered by paragraphs 1 and 2 of section IV (F)of the Indictment, to be found at page 7 of the printed English text, The essential character of this period was the formulation and execution of the plan to re-arm and to re-occupy and fortify the Rhineland, in violation of the treaty of Versailles and other treaties, in order to acquire military strength and political bargaining powers to be used against other nations.

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If the Tribunal please, we have what have been referred to as document books. They are English translations of German documents in some cases German versions. I shall ask that they be handed up and we will hand one copy at the moment to counsel for the defendants. It has been physically impossible to prepare twenty one sets of them. If possible we shall try to furnish further copies to the defendants.

DR. DIX: I would be very much obliged in order that there should be no misunderstanding. We have arranged that tomorrow--

THE PRESIDENT: Speak a little bit slower.

DR. DIX: We have arranged that tomorrow we will discuss with the authorities in what way in the future the whole of the evidence may be made available to all the Defense Counsels. It is, of course, nedessary that no one has the advantage over the other. For this reason, I should like to acknowledge the good will on the part of the prosecution in this difficult situation.

I should like to take one copy, but if I were to do so this would be unfair advantage over the others. I am not in a position during this procedure to give my colleagues the evidence. For this reason, I hope you will understand if I do not accept this document. I am convinced that tomorrow we shall agree how in a perfect manner we can receive the evidence, and we shall try to continue today in the former manner.

THE PRSIDENT: Can you inform the Tribunal how many copies of these documents you will be able to furnish the Tribunal by Monday?

MR ALDERMAN: I cannot at the moment. If your Honor please, may I make this suggestion in connection with it, which I think may be of help to all concerned? I think many of us have underestimated the contribution of this interpreting system to this trial. We all see how it has speeded the proceeding, but in so far as my presentation of German documents is concerned, I shall let the documents speak.

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I expect to read the pertinent parts of the documents into the system so that they will go into the transcript of the record. Counsel for the German Defendants will get their transcript in German; however, our French and Russian Allies will get their transcript in their language, and it seems to me that that is the most helpful way to overcome this language barrier. I can recognize that for Dr. Dix to receive a volume of documents which are English translation of German documents might not seem very helful to him. Further, as an aid, we will have an original German document in Court, one copy, and if the Court will allow, I would ask that the original German document, from which I shall read, be passed tothe German interpreter under Colonel Dostert, so that instead of undertaking to translate an English translation back into perhaps a bad German, he will have the original document before him and in that way, the exact German text will be deliverered in the daily transcript to all of the Counsel forthe Defendants. I hope that maybe a helpful suggestion.

THE PRESIDENT: That, to some extent depends, does it not, upon how much of the document you omit?

MR ALDERMAN: That is quite true, Sir, as to these ten documents with which I propose to deal immediately. I expect to read into the transcript practically the whole of the document, because, the whole of them is significant, much more significant than I could say. Also all of these ten documents were listed in the list of documents which er furnished Counsel for the Defendants, I believe, the 1st of November.

THE PRESIDENT: You say that was in the list. Are the documents very long?

MR ALDERMAN: Some of them are very long and some of them are very short; you can't generalize. Whenever it is a speech of Adolf Hitler you can count it is fairly long.

THE PRESIDENT: Can you not by Monday have in the hands of every member ofthe Defense Counsel copies of these ten documents. It is suggested to me that the photostating could be done quite easily.

MR ALDERMAN: I understand both our photostatic facilities and our mimeographing facilities are right up to the hilt with work. It is a very difficult mechanical problem.

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This morning nine documents were named. Of these documents only one, contrary to what the prosecution said, was present; the other eight or nine documents were neither in the old list, nor in the new list. The eight documents are, as I ascertained at lunch-time today, not in the document room, not available in photostatic copies, so they could not be made available to us. I think, your Honors, that it will not be possible for us to

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work on this basis. I therefore request that, first of all, we may wait until we have had our discussion tomorrow with the prosecution, which they have kindly offered to us and see how this --

THE PRESIDENT: The Tribunal proposes to adjourn now and to give Defense Counsel the opportunity of meeting Counsel for the Prosecution tomorrow morning. Both Counsel for the prosecution and Defense Counsel appear to be perfectly ready to make every possible effort to deal with the case in a most reasonable way, and at that meeting you will be able to discuss these documents which you say have been omitted and Counsel for the prosecution will try to satisfy you with reference to the other documents.

Dr. SIEMERS: I have one more request. It has just been said by the prosecution that it will hardly be possible to make twenty-three photostatic copies. I believe, your Honors, if this is a case of such very important documents, as the prosecution said today, it is a contiguous sine qua non that every Defense Counsel and every accused should have a photostatic copy of these documents.

To produce photostatic copies, it is possible to do that in a few hours with the excellent apparatus that the prosecution has here. In my opinion, it ought to be an easy matter to produce twenty or forty copies of ten documents in forty-eight hours.

THE PRESIDENT: Well, you will meet the Counsel for the prosecution tomorrow and attempt to come to some satisfactory arrangement with them then; and now the Tribunal will adjourn.

(Whereupon, at 1645 hours the hearing of the Tribunal adjourned to reconvene at 26 November 1945, at 1000 hours.)